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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,777	11/12/2003	Terrence W. Schmidt	1934-7-3	7411

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EXAMINER
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VASUDEVA, AJAY

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/712,777

Applicant(s)

SCHMIDT ET AL.

Examiner

Ajay Vasudeva

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 9-17, 26, 27, 29 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 18-25 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 9-17, 26, 27, 29 and 30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Invention or Species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 3/10/2005.

Applicant's election with traverse of Invention A, Species III (claims 1-8, 18-25, and 28) is acknowledged. The traversal is on the ground(s) that a single search will cover all pending claims, and therefore there is no serious burden on the Examiner. This is not found persuasive because MPEP section 803 refers to the propriety of a restriction with regards to search as well as the examination of the application. Even if a single search could cover all pending claims, at least the examination of all claims presents a serious burden on the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following must be shown or the feature(s) canceled from the claim(s).

- The mission module comprises a remote mine-hunting, anti-submarine, maritime intercept, or intelligence/surveillance/reconnaissance system, as set forth in claims 20-25.

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled

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as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "**Replacement Sheet**" or "**New Sheet**" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. On page 1 (paragraph 2), applicant is requested to provide updated information regarding all related applications.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7, 18, 19, 22, 23 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 52-143691 A ('691).

JP ('691) shows a vessel with a frame [1], a bay [3] disposed in the frame and operable to receive a mission module [2] in the form of an air cushion boat, and an interface [4] operable to be coupled between the frame and the mission module. The interface is capable of supporting a person(s) in a manner that the person could carry fuel, water, electrical power or telecommunication equipment between the vessel and the module. Therefore, the interface is

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considered as operable to facilitate the exchange of fuel, water etc. between the frame and the module. The module is considered to be substantially self-contained with respect to special operation or logistics support system because ferrying of passengers between shore and the ship is considered to be such.

6. Claims 1-8, 18, 19, 22, 23 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 06-040379 A ('379).

JP ('379) shows a twin-hulled vessel with a frame [5], a bay [5] disposed in the frame and operable to receive a mission module [7] in the form of an air cushion boat, and an interface [8] operable to be coupled between the frame and the mission module. The interface is operable to facilitate the exchange of fuel, water, electrical power or telecommunication equipment between the vessel and the module (figure 1). The module is considered to be substantially self-contained with respect to special operation or logistics support system, such as ferrying of passengers between shore and the ship.

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-7, 18-25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bender et al. (US 5,277,117 A) in view of JP 52-143691 A ('691).

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Bender et al. shows a mother vessel [36] having a mission module [10] in the form of an air cushion boat. The module comprises a substantially self-contained remote mine-hunting system, and is also operable as an anti-submarine system (col. 7, lines 42-43). Such operations are considered to be maritime intercept and surveillance/reconnaissance operations.

However, Bender et al. is silent on the mission module being accommodated in a bay of the mother vessel.

JP ('691) shows a mother vessel operable to receive an air cushion mission module in a bay of the vessel, as above. As previously explained in ¶ 5, the vessel is provided with an interface that is capable of facilitating an exchange of fuel, water, electrical power or telecommunication equipment between the vessel and the module.

It would have been obvious for one skilled in the art at the time of the invention to provide a bay and an interface in the vessel of Bender et al. for receiving the mission module, as taught by JP ('691). Having such a bay would have facilitated the storage, transport, and launching of the mission module from the vessel, thereby making its operations efficient. Further, when not in use, such arrangement would have protected the module from the elements to extend its operational life.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (571) 272-6689. The examiner can normally be reached on Monday-Friday 12:00 -- 5:30 pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ajay Vasudeva  
Examiner  
Art Unit 3617

AV

  
AJAY VASUDEVA  
PATENT EXAMINER

5/30/05